IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(**Special Original Jurisdiction)**

THURSDAY, TWENTY FIFTH DAY OF NOVEMBER TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.**10124 of 1997**

Between:

Vennamaneni Rama Rao s/o.Malla Rao,

Aged 47 years, occ: Teacher,

R/o.Vellampally, Medipally Mandal,

Karimnagar District. …Petitioner

And

1. The District Collector,

   Karimnagar.

2. The L.A.O. & Sub-Collector,

   Jagtial, Karimnagar District.

3. The Mandal Revenue Inspector,

   Medipally Mandal,

   Karimnagar District.

…Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court

will be pleased to issue a writ, order or direction more in the nature of certiorari calling for records relating to Section 4(1) notification which was published in Karimnagar District Gazette No.98, dated 31-1-1996 and quash the same by duly declaring the notification issued for acquisition of the lands to an extent of Acs.3-35 gts. in Sy.No.339 of Vellampally village, Medipally Mandal, Karimnagar District as illegal, arbitrary and contrary to the provisions of L.A. Act and also violative of Articles 14 and 300-A of the Constitution of India.

Counsel for the petitioner : Sri V.Ravikiran Rao

Counsel for the respondents : Government Pleader for Land Acquisition

The Court made the following :

ORDER:

This Writ Petition is filed praying for a writ of certiorari calling for records relating to notification under Section 4(1) of Land Acquisition Act, 1894 which was published in Karimnagar District Gazette No.98, dated 31-1-1996 and quash the same by duly declaring the notification issued for acquisition of the lands to an extent of Acs.3-35 gts. in Sy.No.339 of Vellampally village, Kedipally Mandal, Karimnagar District as illegal, arbitrary and contrary to the provisions of Land Acquisition Act, 1894 and also violative of Articles 14 and

300-A of the Constitution of India and pass such other suitable orders.

In the counter affidavit at para-9 specific stand was taken as hereunder :

> "In reply to para 7, it is submitted that as per notice issued by this office u/s.12(2) and notice in Form-10 of L.A.Act were also issued vide this office Ref.No.E/3069/94, dt.31.3.1997 and since the awardee/petitioner was not present in the village, the notice could not be served in person on him, and the other two awardees, even though they were present and refused to take the notices. Therefore all the notices relating to the above three awardees (including petitioner) were affixed on their residences in the presence of the villagers by the VAO, concerned on 3-4-1997. Further the Mandal Revenue Inspector, Maidipalli has taken over possession of the above land i.e., to an extent of Ac.3-35 Gts. in Sy.No.339, situated at Vallampalli village of Maidipalli Mandal on 5-4-1997 under a cover of panchanama. Now the said land is under Government custody."

The main grievance ventilated by the writ petitioner is that in the light of the stand taken at para-9 of the counter affidavit filed by the respondents at least now the notice under Section 12(2) of the Land Acquisition Act 1894 may be served on the petitioner so that he can further proceed with the matter.

In view of the peculiar facts and circumstances the respondents are hereby directed to serve notice under Section 12(2) of the Land Acquisition Act 1894 on the petitioner in accordance with law. It is also stated that there is an interim order granted by this Court and it is needless to say that the same is hereby vacated. Specific stand was

taken by the Government that the land is under the custody of the Government. It is needless to say that the petitioner is at liberty to further proceed with the matter on service of the said notice under Section 12(2) of the Land Acquisition Act 1894 by the respondents.

The Writ Petition is accordingly disposed of. No costs.

P.S.Narayana.,J

Date : 25-11-2004

AM

To

1. The District Collector,
   Karimnagar.
2. The L.A.O. & Sub-Collector,
   Jagtial, Karimnagar District.
3. The Mandal Revenue Inspector,
   Medipally Mandal,

Karimnagar District.

4. 2 copies to G.P. for Land Acquisition,

High Court of A.P.

High Court Buildings,

Hyderabad (OUT).

5. 2 C.D. copies.